

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the following remarks.

Claims 1-12 are pending in the present application. Claims 1, 4, and 8 are the independent claims.

The claims have not been amended.

ALLOWABLE SUBJECT MATTER

On Office Action page 6, numbered paragraph 7, the Examiner objects to claims 9, 11, and 12 as being dependent upon a rejected claim. It is respectfully requested that this objection be reversed in view of the above arguments for allowability of the independent claims in the present application.

Further, Applicant notes that claim 10, which depends directly from allowable claim 9, was rejected. Applicant respectfully submits that claim 10 should be allowable for at least the same reasons as claim 9, from which it depends.

REJECTION UNDER 35 U.S.C. §102(e)

In the outstanding Office Action at page 2, numbered paragraph 3, claims 1, 2, and 4-8 were rejected under 35 U.S.C §102(e) as being anticipated by the newly-cited U.S. Patent No. 6,229,804 to Mortsof et al. Of these rejected claims, claims 1, 4 and 8 are independent, and claims 2, and 5-7 depend from claims 1 and 4, respectively. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejections are traversed, and reconsideration is requested.

As basis for the rejection of claims 1, 4, and 8, the Examiner asserts that Mortsof et al. describes a telecommunication apparatus 23 for initiating and receiving voice and data calls (Fig. 2) (Office Action page 2, last two lines, and page 4 lines 5-6). This assertion is not supported by the reference.

Mortsof et al. explicitly states that voice and data calls are initiated and received by telephones 10, (10A, 10B), 22, or personal computers 12, (12A, 12B), 24 (Fig. 1, col. 2 lines 5-13 and 20-50, and Fig. 2, col.7 lines 1-4). Mortsof et al. does not indicate or imply that any of these call initiating and receiving devices could or should comprise gateway means as specified in claims 1, 4, or 8 of the present application.

Mortsof et al. also states that item 23 is an "ISP Gateway/Terminal" (col. 2 lines 22-23). Gateway/Terminals 23 and 16 (col. 2 line12) are operated by the ISP (col. 2 lines 54-55, and col.

3, lines 20-27), and are located remotely from all initiating and receiving apparatuses 10, 12, and 22, 24 (col.3, lines 20-23). Further, the reference states that the function of Gateway/Terminals can be performed by a Network Access Server or a Remote Access Server (col. 1, lines 48-52). This type of apparatus is used for connecting terminals accessing via a PSTN (typically the ordinary telephone network) to a PBDN (typically the internet) in an internet service provider's (ISP) network. The apparatuses 23 and 16 are not intended to, nor capable of, "initiating or receiving voice and data calls". Instead they are Network Gateways including multiple channels between the PSTN and the PBDN, and are used as switching centers in an Internet Service Provider's (ISP) network.

The Examiner further asserts (page 3, lines 8-10, and page 4, last 3 lines through page 5 top 3 lines) that "(a distributed gateway system is defined in the specification [of the present application] on page 18, lines 5-7 as a gateway connecting to both the PBDN and the PSTN)". This asserted definition is a misreading of the cited part of the specification of the present application.

Both Network Gateways and distributed gateways are always, by definition, connected to both a PBDN and a PSTN. However, such a connection does not by itself determine if a device is part of a distributed gateway system.

The relevant text in the specification starts at page 18, line 3, and says that the present invention uses "distributed gateways instead of Network Gateways", which "is achieved by using Gateway Telephones 200 connected to both the PBDN and the PSTN as the backbone of the system". As explained above, item 23 in Mortsof et al. is a Network Gateway, which is what the present invention intends to make obsolete (specification page 4, lines 8-13). The present invention achieves this by using single channel gateways in multiple apparatuses for telecommunication (200) according to the invention, instead of centralized, concentrated Network Gateways, such as item 23 in Mortsof et al., which include multiple channels between a PSTN and a PBDN.

The use of distributed gateways according to the present invention provides important improvements in reliability and unlimited expandability in a telecommunication network. This is explained extensively in the specification of the present application, and has been stressed in responses to previous Office Actions in this case.

Applicant notes that Mortsof et al. uses the terms "Initiating Gateway/Terminal" and "terminating gateway" in the reference (e.g. col. 3 line17, and col. 7 lines 1-4). However, the terms "initiating" and "terminating" are only used to distinguish the Gateway/Terminal 16 starting the Internet portion of the call from the Gateway/Terminal 23 ending the Internet portion of the

call. The call itself is initiated and received by telephones 10, 22 or personal computers 12, 24 at the user's locations and never by a Gateway/Terminal.

Independent claims 1, 4, 8 clearly distinguish the present invention from the prior art. Applicant respectfully submits that independent claims 1, 4, 8 and claims 2, 3, 5, 6, 7, which depend either directly or indirectly therefrom, are in condition for allowance.

REJECTION UNDER 35 U.S.C. § 103

In the Office Action, at page 5, numbered paragraph 5, claim 3 is rejected as being unpatentable over Mortsof et al. in view of Chan et al. (U.S. Patent 6,711,160). The reasons for the rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is requested.

Claim 3 depends indirectly from independent claim 1, which according to the previous section is patentable. There is nothing disclosed or implied in Mortsof et al. or Chan et al., individually or in combination, that would make the present invention obvious. Reconsideration and approval is sincerely requested.

In the Office Action, at page 5, numbered paragraph 6, claim 10 is rejected as being unpatentable over Mortsof et al. in view of Bhattacharya et al. (U.S. Patent 6,353,610). The reasons for the rejection are set forth in the Office Action and therefore not repeated. This rejection is traversed and reconsideration is requested.

Claim 10 depends indirectly from independent claim 8, which according to the previous section is patentable. There is nothing disclosed or implied in Mortsof et al. or Bhattacharya et al., individually or in combination, that would make the present invention obvious. Moreover, as noted above claim 10 is dependent from claim 9 indicated already to be allowable in the Office Action. Reconsideration and approval is sincerely requested.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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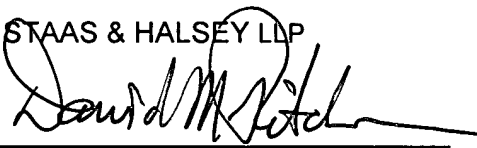
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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